



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

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February 25, 2020 02:08 PM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 924584**

LA VASIA V MARTIN

A 2000933

VS.

WALMART INC

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

PAGES FILED: 3

EFR200



**COURT OF COMMON PLEAS
CIVIL DIVISION
HAMILTON COUNTY, OH**

LA VASIA V. MARTIN
563 Betton St.
Cincinnati, OH 45214

Plaintiff

vs.

WALMART INC.
Serve: CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

and

OHIO TORT RECOVERY UNIT
Serve: Joseph McCandlish
150 East Gay Street, 21st Floor
Columbus, OH 43215

Defendants

: Case #:

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: Judge:

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: **COMPLAINT**

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FIRST CAUSE OF ACTION

1. At all times material herein, Defendant Walmart Inc. ("Walmart") was a corporation licensed to and doing business with the State of Ohio specifically on March 1, 2018, in Hamilton County, Ohio.
2. On or about March 1, 2018, Defendant Walmart was operating as a for profit business.
3. On or about March 1, 2018, Defendant Walmart was open and doing business and permitted invitees onto its premises of 2322 Ferguson Road, Cincinnati, OH 45238.
4. On or about March 1, 2018 Plaintiff was an invitee and on the premises of the Defendant Walmart at 2322 Ferguson Road, Cincinnati, OH 45238.

5. At all times relevant hereto, Defendant Walmart had a duty to inspect the premises and to make the premises safe and free from unreasonably dangerous and/or defective conditions which it knew or should have known posed an unreasonable risk of harm to invitees such as Plaintiff.

6. On or about March 1, 2018, Defendant Walmart negligently failed to ensure that the premises, including the front entrance, were safe and free from all dangerous conditions, and defects.

7. On or about March 1, 2018 Defendant Walmart negligently maintained the premises at Walmart in an unreasonable and dangerous condition.

8. On or about March 1, 2018, Defendant Walmart has a duty of care to inspect its premises for conditions, which would present a hazard to patrons such as Plaintiff.

9. On or about March 1, 2018, Defendant Walmart breached its duty of care by failing to inspect for a dangerous condition, which was readily discoverable by Defendant.

10. On or about March 1, 2018, Defendant Walmart failed to correct a known dangerous condition on the premises of Walmart, which Defendant knew, or should have known, existed.

11. On or about March 1, 2018, Defendant Walmart through its agents or employees failed to warn or otherwise notify Plaintiff of a dangerous condition on the premises of Walmart, which Defendant knew, or should have known, existed.

12. On or about March 1, 2018, Defendant Walmart through its agents or employees created an unreasonable and dangerous condition on the premises at Walmart.

13. As a direct and proximate result of Defendant Walmart's negligence, Plaintiff fell and suffered an injury.

14. As a direct and proximate result of the carelessness and negligence of Defendant Walmart, Plaintiff has suffered temporary and permanent bodily injuries, has endured pain and suffering and

will continue to do so in the future, has incurred medical expenses in an undetermined amount and will continue to do so in the future has incurred lost wages in an undetermined amount and will continue to incur lost wages in the future; and has lost the use and enjoyment of good health.

WHEREFORE Plaintiff demands for judgment against Defendant Walmart in an undetermined amount in excess of \$25,000.00 (Twenty-Five Thousand Dollars), prejudgment interest to be determined by the Court plus costs and all other relief to which he may be entitled. In addition, Plaintiff requests that Defendant Ohio Tort Recovery Unit set forth it's subrogated claim or forever be barred.

Respectfully Submitted,
O'CONNOR, ACCIANI & LEVY LPA

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